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19 Plaintiff in *Pro Per*

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA**

22 EDWARD “COACH” WEINHAUS,

23 Plaintiff,

24 v.

25 REGENTS OF THE UNIVERSITY OF
26 CALIFORNIA,

27 Defendant.

28 Case No. 2:25-cv-00262 JFW (ASx)

29 **JOINT STATEMENT OF LOCAL
30 RULE 7-3 CONFERENCE**

31 Judge: John F. Walter
32 Mag. Judge: Alka Sagar
33 Crtrm.: 7A
34 Trial Date: 9/15/26 8:30 AM

35 Plaintiff Edward “Coach” Weinhaus (“Plaintiff”) and Defendant The Regents
36 of the University of California (“Defendant”) (collectively, the “Parties”) hereby
37 submit this Joint Statement of Conference regarding Plaintiff’s Motion Pursuant to
38 Fed. R. Civ. Proc. 12(f) in compliance with Local Rule 7-3 and Paragraph 5(b) of
39 this Court’s Standing Order:

40 1. The parties had previously conferred on an issue related to one of

1 Defendant's potential affirmative defenses addressing a second right to sue letter
2 from the EEOC during the response time of a prior letter. Plaintiff forwarded
3 caselaw to demonstrate equitable tolling in this instance via email on June 25, 2025.
4 *Overstreet v. Living Spaces Furniture LLC*, No. CV-23-00248-PHX-ROS, 2023
5 U.S. Dist. LEXIS 117010, at *14-15 (D. Ariz. July 7, 2023).

6 2. Counsel for the Parties initially met and conferred regarding
7 Defendant's intent to move to strike several other of Defendant's Affirmative
8 Defenses pursuant to FRCP 12(f) on July 21, 2025 in person at Defendant's
9 counsel's office in downtown San Diego.

10 3. The conference lasted approximately 45 minutes. The Parties discussed
11 Plaintiff's position that Defendant's Affirmative Defenses did not meet the basic
12 required pleading standard.

13 4. During the conference on July 21, 2025, the Parties discussed the
14 following positions:

15 i. Plaintiff's Position:

16 Plaintiff forwarded relevant case law to Affirmative Defense 1 (see above) in
17 advance of filing and to deficient affirmative defenses listed below several weeks in
18 advance of the conference. The issues related to the Affirmative Defenses listed
19 below are self-evident relative to the legal standard since they are little more than
20 hand-waving. Defendants did not bother to review any affirmative defenses for the
21 conference, including the first one noticed pre-filing. Nonetheless, Plaintiff detailed
22 the precise defenses and the issues with each which would necessitate either
23 dropping them or detailing them to avoid motion practice. Defendant ultimately
24 agreed with Plaintiff's position that repleading was appropriate, they were capable
25 of reviewing their own affirmative defenses relative to the standard, and wouldn't
26 need 48 hours for even that or to find further issues beyond that which Plaintiff
27 raised. Plaintiff's legal position presented, for posterity, is as follows:

28

1 The Federal Rule of Civil Procedure 12(f) states as follows:

2 (f) Motion to Strike. The court may strike from a pleading an insufficient
3 defense or any redundant, immaterial, impertinent, or scandalous matter. The
4 court may act:....

5 ... (2) on motion made by a party either before responding to the
6 pleading or, if a response is not allowed, within 21 days after being
7 served with the pleading.

8
9 A defendant's Rule 12(f) and pleading standards in this Circuit are a matter of some
10 dispute, however, certain types of Affirmative Defenses and other claims are
11 improper as a matter of law. For how this and most of the districts in the Circuit
12 rule, see: *Meridian Rapid Defense Group LLC v. Delta Scientific Corp.*, No. CV 23-
13 7222-GW-PDx, 2024 U.S. Dist. LEXIS 239767, at *6-7 (C.D. Cal. Feb. 8, 2024).
14 The following affirmative defenses do not provide adequate basis under the pleading
15 standards and should be stricken for lack of any factual allegations:

16
17 1-4, 6
18

19 The following affirmative defenses do not provide adequate basis under the pleading
20 standards and should be stricken for lack of any reason but for a legal principle:

21
22 7-9, 12-15
23

24 Plaintiff suggests that Defendant maintain Item 21 as a "catch all" to re-instate
25 defenses after discovery and strike the above, or otherwise seek to amend now to
26 ensure they comply with the pleading standards. Plaintiff will not object to a First
27 Amended Answer to re-plead Affirmative Defenses. Plaintiff does not herein
28 automatically agree to future amendments.

1
2 ii. Defendant's Position:

3 On July 8, 2025, Plaintiff requested a July 21, 2025 conference to discuss a
4 Rule 12(f) motion to strike Defendant's affirmative defenses. Defendant requested
5 to know which defenses Plaintiff intended to strike, but Plaintiff did not identify any
6 specific affirmative defenses he believed were improper. Rather, Plaintiff's counsel
7 stated he would be prepared to discuss them on July 21.

8 On July 21, counsel for the parties met and conferred. For the first time,
9 Plaintiff's counsel identified the affirmative defenses he seeks to challenge as
10 insufficiently pleaded. Those are Nos. 1-4, 6-9, and 12-15. Because Plaintiff's
11 counsel would not identify these in advance, after the conference ended, defense
12 counsel was left with approximately 48 hours to consider an efficient resolution.

13 At the July 21 conference, counsel discussed potential paths to avoid motion
14 practice. Counsel for both parties understood that Defendant could amend its answer
15 at a later date to plead additional facts, to remove affirmative defenses, and to add
16 any additional affirmative defenses it wished with either Plaintiff's consent or the
17 Court's leave.

18 Defendant believes its affirmative defenses are adequately pled and believes
19 Plaintiff's threatened motion to strike is an unnecessary distraction. However,
20 Defendant recognizes that the relatively low burden of amending its answer is a
21 more efficient way to resolve this issue than motion practice. Defendant understands
22 that amending its answer will not interfere with or otherwise slow the parties'
23 discovery efforts. Accordingly, Defendant agrees to file an amended answer within
24 30 days (or by Friday, August 22, 2025). This amended answer will include
25 additional facts for affirmative defenses 1-4, 6-8, and 14. Defendant also agrees to
26 omit defenses 5, 9-13, and 15 from its amended answer. Defendant anticipates these
27 omitted affirmative defenses, and perhaps more, will be added back in via another
28 amended answer during the discovery phase of this litigation and will seek

